

PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated next to my name in PART A of page 2 hereof.

I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if plural names are listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD FOR ISOLATING DNA

the specification of which:

X is attached hereto

— was filed on _____ as Serial No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate listed in PART B on page 2 hereof and have also identified in PART B on page 2 hereof any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed in PART C on page 2 hereof and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following as my attorneys or agents with full power of substitution to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Thomas Fitting Reg. No. 34,163

whose mailing address for this application is:

THOMAS FITTING, Attorney at Law
12526 High Bluff Drive, Suite 300
San Diego, California 92130

See Page 2 attached, signed, and made a part hereof.

PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

PART A: Inventor Information And Signature

Full name of SOLE or FIRST inventor James W. Gautsch
 Citizenship USA Post Office Address 451 S. Granados Avenue
Solana Beach, California 92075

Residence (if different) _____

Inventor's Signature: [Signature] Date: 1/26/95

Full name of SECOND joint inventor, if any Michael G. Saghbini
 Citizenship USA Post Office Address 14175 Korry Drive
San Diego, California 92129

Residence (if different) _____

Second Inventor's Signature: [Signature] Date: 1/26/95

Full name of THIRD joint inventor, if any David A. Lippman
 Citizenship USA Post Office Address 3135 Moon Crest Court
San Marcos, California 92069

Residence (if different) _____

Third Inventor's Signature: [Signature] Date: 1/26/95

Full name of FOURTH joint inventor, if any Richard C. Dana
 Citizenship USA Post Office Address 1021 Country Club Drive
Escondido, California 92025

Residence (if different) _____

Fourth Inventor's Signature: [Signature] Date: 1/26/95

Full name of FIFTH joint inventor, if any _____
 Citizenship _____ Post Office Address _____

Residence (if different) _____

Fifth Inventor's Signature: _____ Date: _____

PART B: Prior Foreign Application(s)

Serial No.	Country	Day/Month/Year Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

PART C: Claim For Benefit of Filing Date of Earlier U.S. Application(s)

Serial No.	Filing Date	Status:
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

See Page 1 to which this is attached and from which this Page 2 continues.

ASSIGNMENT

Serial No. 08/388,504

Filed February 14, 1995

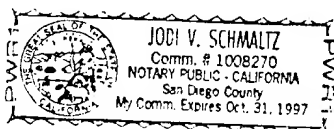
In Consideration of One Dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, the entire right, title and interest in the invention or improvements of the undersigned in METHOD FOR ISOLATING DNA in the application for Letters Patent of the United States therefor, and in any reissue or extension of any Letters Patent that may be granted upon said application are hereby assigned by the undersigned to BIO101, INC., a California Corporation, and the heirs, successors, legal representatives and assigns of BIO101 (herein collectively called said Assignee), and the Commissioner of Patents and Trademarks is hereby authorized and requested by the undersigned to issue said Letters Patent to said Assignee.

For said considerations it is hereby agreed by the undersigned, upon the request of said Assignee, to execute any necessary and proper oaths or affidavits relating to said application or required for the filing or prosecution of any divisional or continuing application thereof or for the filing or prosecution of any application for the reissue or extension of any Letters Patent that may be granted on said invention or improvements that said Assignee may deem necessary or expedient, and for said considerations it is further agreed by the undersigned, upon request of said Assignee, in the event of said application or any division thereof, or Letters Patent issued thereon, or any reissue or application for the reissue thereof, becomes involved in Interference, to cooperate to the best of the ability of the undersigned with said Assignee in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, and further to perform, on such request, any and all affirmative acts to obtain said Letters Patent and vest all rights therein hereby conveyed in said Assignee as fully and entirely as the same would have been held and enjoyed by the undersigned if this Assignment and sale had not been made. And for said considerations the entire right, title and interest in said invention or improvements, including all priority rights, and the right to claim priority rights and the privileges and benefits thereof, including those under the International Convention, and all other Conventions, and the right to file applications for patent in said Assignee's own name for said invention or improvements in each and every country of the world are hereby assigned and granted by the undersigned to said Assignee. It is further agreed by the undersigned, upon the request of said Assignee, to execute any and all documents that shall be required of the undersigned to be executed in connection with any and all applications for foreign Letters Patent therefor, including the prosecution thereof, and to execute any and all documents necessary to invest title in said foreign applications and patents in said Assignee. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Assignment the date and serial number thereof in the places provided therefor.

James W. Gautsch (Seal) David A. Lippman (Seal)
Michael G. Saghbini (Seal) Richard C. Dana (Seal)

State of California)
County of San Diego) ss
On 1-26-95, before me, Jodi V. Schmaltz, a Notary Public

personally appeared James W. Gautsch, David A. Lippman, Michael G. Saghbini & Richard C. Dana, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jodi V. Schmaltz
Notary Public
My Commission Expires: 10-31-97